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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,958	12/30/2004	Kesatoshi Takeuchi	9319T-1031/NP	7349
27572	7590	10/08/2008		
HARNESS, DICKEY & PIERCE, P.L.C.				
P.O. BOX 828				
BLOOMFIELD HILLS, MI 48303				
EXAMINER				
ADEYIGA, TEMITOPE A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
10/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,958

Applicant(s)

TAKEUCHI ET AL.

Examiner

TEMITOPE ADEYIGA

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is responsive to the claims filed on December 30, 2004.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by (WO 01/09889) hereinafter referred to as Nunally.

Claim 1 Nunally discloses "A recording control system for recording a recording object in a recording medium with a recording apparatus, wherein a surplus signal that is outside the recording sensitivity range of a person but within the recording sensitivity range of said recording apparatus is applied to the recording object, and the recording object affected by said surplus signal is recorded in said recording medium." [Nunally Page 5; lines 9-15 and Figures 2 and 4]

Claim 5 Nunally discloses "A recording control system for recording a sound recording object in a recording medium, comprising means for applying barely

audible sound outside the recognizable area of a person to said sound recording object; and sound recording means for recording the sound output from said sound recording object in said recording medium; wherein said barely audible sound is contained within the sound recordable sensitivity range of said sound recording means." [Nunally Page 5; lines 9-15 and Figures 2 and 4]

Claim 6 Nunally discloses "A system according to claim 1, further comprising surplus signal generation means for generating said surplus signal; surplus signal generation control means for controlling the generation of the surplus signal and the suspension thereof [Nunally Page 5; lines 9-15 and Figures 2 and 4]; and ID recognition means; wherein, when a specific ID is recognized, said control means suspends the generation of said surplus signal for a prescribed period of time." [Nunally Page 10; lines 28-33 and Page 11; lines 1-7]

Claims 2 - 4 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6559883) hereinafter referred to as Fancher.

Claim 2 Fancher discloses "A photography prevention system of a photographic object for recording a photographic object in a recording medium, comprising means for irradiating barely visible light outside the recognizable area of a person to said photographic object, wherein said barely visible light is contained within the recordable sensitivity range of imaging means for recording an image from said photographic object in said recording medium." [Fancher Column 3; lines 33-67 item 120]

Claim 3 Fancher discloses "A system according to claim 2, wherein said barely

visible light is infrared light.” [Fancher Column 3; lines 33-67 item 120]

Claim 4 Fancher discloses “A system according to claim 2, wherein said barely visible light is irradiated together with or separate from illuminating light to said photographic object, and said photographic means records the reflected image from said photographic object in said recording medium.” [Fancher Column 3; lines 33-67].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITOPE ADEYIGA whose telephone number is (571)270-3578. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571)272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 2622
09/18/2008

*/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622*